

Exhibit C

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA
Alexandria Division

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:
BMG RIGHTS MANAGEMENT (US) LLC, :
et al., :
Plaintiffs, :
: Case No. 1:14-cv-1611
vs. :
: :
COX ENTERPRISES, INC., et al., :
Defendants. :
-----:

VOLUME 6 (P.M. portion)

TRIAL TRANSCRIPT

December 9, 2015

Before: Liam O'Grady, USDC Judge

And a Jury

1 A. We certainly were in different industries, but we had
2 similar interests. Among those, we had much the same
3 customers, and we also had -- we in the ISP world had an
4 interest in making sure that the Internet was a reasonably safe
5 place for people to go and to use, and the recording
6 industry -- I'll call them the recording industry -- was also
7 beginning to experiment with Internet solutions, if you will,
8 to offering their products. So it was -- it was a wary time
9 but also a valuable beginning of conversations.

10 Q. What do you remember about Cox's graduated response
11 process in that time around 2010?

12 A. Well, I have a general idea of -- and I could describe it
13 to you, but the specific details are probably a little, a
14 little fuzzy.

15 Q. What would help you refresh your recollection about those
16 details?

17 A. Well, I did a -- probably the best thing is that I did a
18 presentation to some of the industry group people and also to
19 other ISPs and in our company, too, that outlined our process
20 and the way it worked.

21 Q. Could you please look at Exhibit DTX 0141?

22 A. Okay.

23 Q. Can you please identify what the exhibit is?

24 A. Actually, this is a copy of a version of one of the
25 presentations that I presented internally and externally about

1 how we did graduated response at the time.

2 Q. Who prepared it?

3 A. Oh, I did.

4 Q. And is it -- did it contain accurate details to the best
5 of your recollection about the process as it existed then?

6 A. Oh, yeah, yes. Definitely.

7 MR. BRIDGES: Your Honor, I would offer Exhibit
8 DTX 0141.

9 MR. KELLEY: No objection.

10 THE COURT: Received.

11 BY MR. BRIDGES:

12 Q. Mr. Cadenhead, I'll ask you to take me through this
13 document and explain to me what each of these is. If we could
14 please go to the next page?

15 A. Okay. This page lists the things we looked for in notices
16 that we received from copyright holders when we received a
17 take-down notice to forward on to customers. These are the
18 things that we looked for. For instance, there weren't many
19 physical signatures because we were moving to an electronic
20 world, but we wanted an electronic signature or a digital
21 signature, which is a better version of that.

22 We also needed, of course, information about what
23 copyrighted work was in question, and then we, of course,
24 needed to know what material they said was infringing so that
25 when we forwarded, this customer would know what we were